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ORACLE AMERICA, INC.

21 UNITED STATES DISTRICT COURT

22 NORTHERN DISTRICT OF CALIFORNIA

23 SAN FRANCISCO DIVISION

24 ORACLE AMERICA, INC.

Plaintiff,

25 v.

26 GOOGLE INC.

27 Defendant.

Case No. CV 10-03561 WHA

**SILVERMAN DECL. IN SUPPORT OF  
ADMINISTRATIVE MOTION TO FILE  
UNDER SEAL PORTIONS OF  
ORACLE'S OPP. TO GOOGLE'S MIL  
#6 RE: JAMES E. MALACKOWSKI**

Dept.: Courtroom 8, 19th Floor

Judge: Honorable William H. Alsup

SILVERMAN DECLARATION ISO ADMIN.  
MOT. TO FILE UNDER SEAL ORACLE'S OPP.  
TO GOOGLE'S MIL #6  
CV 10-03561 WHA

1 I, Andrew D. Silverman, declare and state as follows:

2 1. I am a member of the bars of the States of California, New York, and the District  
3 of Columbia, admitted to practice before this Court, and an associate with the law firm of Orrick,  
4 Herrington & Sutcliffe LLP (“Orrick”), attorneys of record for plaintiff Oracle America, Inc.  
5 (“Oracle”). I am familiar with the events, pleadings and discovery in this action and, if called  
6 upon as a witness, I could and would testify competently to the matters stated herein of my own  
7 personal knowledge.

8 2. I submit this declaration in support of Oracle’s Administrative Motion to File  
9 Under Seal Portions of Oracle’s Opposition to Google’s Motion *In Limine* #6 Regarding James E.  
10 Malackowski.

11 3. The following portions of Oracle’s motion summarize, quote from, or reproduce  
12 materials that have been designated by Google Inc. as “CONFIDENTIAL” or “HIGHLY  
13 CONFIDENTIAL – ATTORNEY’S EYES ONLY” pursuant to the Protective Order:

- 14 • Page 1, lines 22-23 between the words “has” and “Google”
- 15 • Page 2, lines 3-5 between the second instance of the word “Google” on line 3 and  
16 the word “under” on line 5
- 17 • Page 2, lines 8-13 between the word “Android” on line 8 and the phrase “the  
18 team” on page 13
- 19 • Page 2, lines 24-26 within the parenthetical after the citation to GOOGLE-26-  
20 00008340 at 363
- 21 • Page 3, line one before “Ex.”
- 22 • Page 3, lines 3-10 between the words “and” on line 3 and “see” on line 10
- 23 • Page 3, lines 18-21 between “GOOGLE-01-00019527” on line 18 and the period  
24 on line 21
- 25 • Page 4, the text within the parenthetical on line 11
- 26 • Page 4, lines 12-13 between the word “correspondence” on line 12 and GOOGLE-  
27 24-00197944 on line 13

- Page 4, line 21 after the word “Android”
- Page 4, the dollar amount on line 26 before the word “in”
- Page 12, line 16 after the word “admitting”
- Page 13, lines 8-11 between the words “CEO” on line 8 and “Ex” on line 11
- Page 13, footnote 9, between the words “ads” and “Clearly”
- Page 16, line 7 between the words “to” and “for”
- Page 16, line 8 between the words “the” and “using”
- Page 16, line 10 between the words “operator” and “who”
- Page 16, lines 13-20 between “99:12-17” on line 13 and the period at the end of line 20
- page 16, line 23 between the first period and the word “would”
- Page 16, line 26 between the words “is” and “of”
- Page 16, line 26 between the words “is” and “of”
- Page 17, the dollar amounts, percentages, and ratio found in lines 1-4 and 11
- Page 19, the dollar amount found at line 15
- Page 20, line 26 through page 21, line 2, the text within the parenthetical after “206:23-207:10”
- The highlighted materials in the UNREDACTED version of Appendix A

4. I declare under penalty of perjury under the laws of the United States that the foregoing is true and correct.

Executed this 6th day of April, 2016, at New York, NY.

*/s/ Andrew D. Silverman*

Andrew D. Silverman